

Emergency Planning and Community Right-To-Know Act (EPCRA)

REQUIREMENTS, UPDATES, AND RESOURCES

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Why Comply?

- Executive Order 12856 - Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements (Feb 25, 1995)

<http://www.epa.gov/oeca/fedfac/policy/12856gui.pdf>

- Executive Order 13148 – Greening to Government through Leadership in Environmental Management (Apr 22, 2000)

<http://www.epa.gov/oeca/fedfac/cfa/eo13148.htm>

CERCLA Section 103 Requirements

- CERCLA Hazardous Substance
(40 CFR Section 302.4)
- Release above the Reportable Quantity (RQ)
within a 24-hour period
- Immediate notification to the National
Response Center (NRC) (800)424-8802

EPCRA Section 304 Requirements

- EPCRA Extremely Hazardous Substance (EHS) (40 CFR Part 355)

OR

CERCLA Hazardous Substance
(40 CFR Section 302.4)

- Release above the Reportable Quantity (RQ) within a 24-hour period

EPCRA Section 304 Requirements

- Immediate notification to ANY State Emergency Response Commission (SERC) or Local Emergency Planning Committee (LEPC) likely to be affected by the release
- Written follow-up emergency notice as soon as practicable to the SERC(s) and LEPC(s) that were initially notified

EPCRA Section 304 Requirements

- For a transportation-related (active shipping papers) release provide information to 911 or operator to meet EPCRA Section 304 requirements

CERCLA 103/EPCRA Section 304 Update

- Guidance on CERCLA Section 101(10)(H) federally permitted release definition for certain air emissions

Federal Register Apr 17, 2002 (Volume 67, Number 74) [Page 18899-18904]

<http://www.epa.gov/superfund/hotline/67fr18899.pdf>

EPCRA Section 311 Requirements

- Submit MSDS for new chemical exceeding threshold to SERC, LEPC and fire dept
- Must be submitted within 90 days
- Thresholds
 - EHSs – 500 pounds or the threshold planning quantity (TPQ), whichever is less
 - Hazardous chemicals (OSHA-defined) – 10,000 pounds

EPCRA Section 312 Requirements

- Submit Tier II Hazardous Chemical Inventory report for hazardous chemicals exceeding the threshold
- Thresholds (same as EPCRA Section 311)
- Submit to the SERC, LEPC, and fire dept
- Due March 1 for preceding calendar year
- Exemptions to hazardous chemical definition: FDA, article, personal use, lab/hospital supervision, agricultural

EPCRA Section 312 Updates

- Tier II Submit for electronic reporting (check with your state to see if they accept this format)
- <http://www.epa.gov/ceppo/tier2.htm>
- Some states have hazardous chemical inventory forms to be used in lieu of the federal Tier II form

EPCRA Section 313 Requirements

Toxic Chemical Release Inventory (TRI)

- 10 or more employees
- Applicable SIC code (Executive Order 12856)
- Toxic Chemical/Chemical Category
(40 CFR Section 372.65)
- Manufacture, Process or Otherwise Use
above the applicable threshold category
- Thresholds for most toxic chemicals are
25,000 (manufacture), 25,000 (process),
10,000 (otherwise use)
- Form R or Form A Reports due July 1

EPCRA Section 313 Requirements

Toxic Chemical Release Inventory (TRI)

- Exemptions
 - De minimis (chemical in mixture is <1% (carcinogen <0.1%) and is non-PBT)
 - Articles
 - Laboratory activities
 - Otherwise use
 - Motor Vehicle maintenance
 - Routine janitorial or facility grounds maintenance
 - Structural components
 - Personal Use
 - Intake water and air

EPCRA Section 313 Updates

- TRI-ME (new reporting software)
- New reporting and lower thresholds
 - RY2001 Lead/Lead compounds
 - Threshold lowered to 100lbs
 - RY2000 PBTs (persistent bioaccumulative toxics)
 - PBTs (100lb threshold)
 - Highly persistent/highly bioaccumulative (10lb)
 - Dioxins/dioxin-like compounds (0.1 grams)

EPCRA Section 313 Updates

Lead/Lead Compounds

- Three reporting thresholds
 - All lead at facility applied to 25,000 lb threshold for manufacturing and processing and 10,000 lb for otherwise use activities
 - 100 lb threshold applied to lead when it is NOT contained in a stainless steel, brass or bronze alloy
 - Lead compounds are applied to the 100 lb threshold

EPCRA Section 313 Issues

- Data quality inspections
 - 3 years of supporting documentation for Form R reports / documentation of chemicals not reported
- Nitrate compounds manufactured from on-site treatment of nitric acid
- Use of Form A instead of Form R
 - Do not exceed 500 lbs for total annual reportable amount (includes released, treated, recovered and combusted at the facility, and transferred off-site)
(see definition in reporting instructions)

EPA Region 4 Resources

EPCRA State Coordinators (404)562-XXXX

AL	Michael Jump x9177	Lawrence Fincher x9190
FL	Andrew Porter x9184	Gail Pates x9430
GA	Gail Pates x9430	Andrew Porter x9184
KY	John Deutsch x9185	Lawrence Fincher x9190
MS	Bill Henderson x29178	Rock Callender x9186
NC	Rock Callender x9186	Bill Henderson x9178
SC	Dennis Wile x9182	Hashim Safi x9179
TN	Hashim Safi x9179	Dennis Wile x9182

EPA Region 4 Resources

General Information (800)241-1754, (404)562-9900

Regional Coordinators

Ezequiel Velez	(TRI)	(404)562-9191
Henry Hudson	(CEPPO)	(404)562-9185
Stacey Bouma	(EPCRA Enf)	(404)562-9192
Elisa Roper	(CAMEO)	(404)562-9174
Victor Weeks	(RMP/112(r))	(404)562-9189
Fred Stroud	(CT)	(404)562-

EPA Region 4 EPCRA <http://www.epa.gov/region4/epcra>

EPCRA Resources

- EPA Chemical Emergency Preparedness and Prevention Office (CEPPO)
 - <http://www.epa.gov/ceppo>
 - Preparedness (EPCRA)
<http://www.epa.gov/ceppo/crtk.html>
 - EPCRA Factsheet (March 2000)
<http://www.epa.gov/ceppo/factsheets/epcra.pdf>
 - List of Lists searchable database)iCounter-Terrorism <http://www.epa.gov/ceppo/ds-epds.htm#title3>
 - Prevention and Risk Management Planning (RMP)
 - Counter-Terrorism

EPCRA Section 313 Resources

- EPA TRI Coordinator for Federal Facilities
John Harman (202)260-6395 harman.john@epa.gov
- EPA TRI Homepage - <http://www.epa.gov/tri>
 - Guidance Documents (Q&A, Chemical, Industry)
 - Reporting Forms and Instructions
 - Training Workshops
 - Policy, Regulation, Statute

Other Resources

- EPA EPCRA Hotline (800)424-9346
- EPA Listservs <http://www.epa.gov/epahome/listserv.htm>
 - epa-cepp – receive weekly info on chemical accident prevention
 - epa-tri2 – federal register notices related to TRI
 - ocorelink – receive periodic news on compliance and enforcement issues
 - fedenvironews-online – receive environmental news and information of interest to federal facilities
- National Response Center (NRC)
 - <http://www.nrc.uscg.mil>
- EPA Compliance Assistance Clearinghouse
 - <http://www.epa.gov/clearinghouse>